

35. (New) The carton of claim 34, wherein ^{new matter} the portion of the first outer side wall and first inner side wall which are not secured to each other is located between the first arch and the intersection of the first flap and the first inner side wall.

36. (New) The carton of claim 1, wherein the one-piece blank comprises a paper blank.

✓ 37. (New) The carton of claim 10, further comprising a first arch comprising (a perforation line) located on the first inner side wall and a second arch also comprising a perforation line located on the second inner side wall.

38. (New) The carton of claim 37, wherein the first arch defines a dividing line between a portion of the first ^{Flap} outer side wall and the first inner side wall which are secured to each other and a portion of the first outer side wall and the first inner side wall which are not secured to each other, and wherein the second arch defines a dividing line between a portion of the second ^{Flap} outer side wall and the second inner side wall which are secured to each other and a portion of the second outer side wall and the second inner side wall which are not secured to each other.

REMARKS

Favorable reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

Currently, claims 1, 2, 4, 5, 8, 10-17 and 19-38 remain pending in the present application, including independent claims 1, 10, 21 and 23. The claims are directed to a carton adapted for storing and displaying stacked sheet material, such as napkins, a sheet material dispenser, and a system for transporting and displaying sheet material in a 3-sided carton.

In the Office Action, the Abstract was objected to for use of the language "is disclosed". In response, the Abstract has been amended to remove the above language. Further, claims 12 and 30 have been amended in response to the rejection under 35 U.S.C. Section 112.

In the Office Action, the specification was objected to as failing to provide antecedent basis for the claimed subject matter of "a relaxed position", "a tensioned position" and "the first and second side walls are canted towards each other". In response, the Examiner's

attention is particularly directed to page 12 of the present application which describes each of the above features.

In the Office Action, all of the claims were also rejected under 35 U.S.C. Section 102 or 35 U.S.C. Section 103 in view of numerous prior art references, including U.S. Patent No. 4,230,258 to Lane, U.S. Patent No. 2,331,038 to Meller, U.S. Patent No. 6,393,749 to Haupt, U.S. Patent No. 3,216,582 to Cross, and U.S. Patent No. 3,499,575 to Rockefeller. As discussed in more detail below, however, it is believed that the claims as currently amended patentably define over all of the prior art of record.

Independent Claim 1

Claim 1 is directed to a carton adapted for storing and displaying stacked sheet material. The carton includes a bottom panel that is joined to a first side wall and a second side wall. A first flap extends from the first side wall over at least a portion of the bottom panel and is secured to the bottom panel. As now amended, claim 1 requires that the first side wall include a first outer side wall and a first inner side wall that are secured together. Claim 1 further requires a first arch comprising a perforation line located on the first inner side wall.

An arch as defined in claim 1 is shown in Figure 2 at 36. As stated in the specification, the arch provides a tensioning force for holding the first side wall in an upright position. An arch as defined in claim 1 and described in the present specification is absent from Lane, Meller, Haupt, Cross and Rockefeller. As such, Applicant submits that claim 1 patentably defines over the cited prior art.

Independent Claims 10 and 21

Claims 10 and 21 both require that the carton or dispenser include a first side wall and a second side wall that are joined to a bottom panel. The first side wall includes a first outer side wall and a first inner side wall, while the second side wall similarly includes a second outer side wall and a second inner side wall.

Each of the inner side walls are joined to flaps that extend from each side wall and over the bottom panel. The flaps are affixed to the bottom panel. Further, once the flaps are affixed to the bottom panel, the outer side walls are placed adjacent to the inner side walls. Such a configuration is not disclosed or suggested by the cited prior art.

For instance, Haupt discloses a napkin holder which includes a bottom wall connected to a pair of upstanding side walls. Each side wall includes a main portion and a wing portion. Haupt, however, fails to disclose or suggest a first flap and a second flap that extend from the side walls and over a bottom panel.

Similarly, Cross and Rockefeller also fail to disclose or suggest a carton or a dispenser that includes flaps positioned over and affixed to a bottom panel.

The tray disclosed in Lane does include flaps 11 that rest upon the panel 3. Lane, however, teaches extending the panels 11 in between the panel 5 and the panel 6 that form the side walls. Thus, the side walls in Lane assume a triangular shape for, according to Lane, holding jars or bottles. Thus, Lane fails to disclose or suggest a carton or dispenser including flaps that extend from a side wall and over the bottom panel in a manner that causes the outer side walls to be placed adjacent to the inner side walls.

The remaining reference cited in the Office Action, Meller, similar to Lane, teaches a merchandise holder having triangular shaped side walls. Specifically, each side wall includes a wall 9 that is spaced from a bracing wall 17. Further, the holder includes portions 18 that are folded below the bottom panel. As described in Meller in column 2, the flexing of the turned-under portion of each bracing wall is "of considerable importance" in the efficient operation of the device since it enables the items themselves to create or set up forces in the device which will aid those restoring forces already existing in the stressed portions, and thereby increase the holding or locking effect of the device and provide a much firmer grip on the items.

Thus, Meller, similar to Lane, fails to disclose or suggest a carton or dispensing device that includes first and second flaps extending from each side wall and over a bottom panel in a manner that causes the inner and outer side walls to be placed adjacent to each other. In view of the above, Meller, in fact, teaches away from such a configuration.

As such, it is believed that claims 10 and 21 patentably define over each of the above cited prior art references when either taken alone or in combination.

Independent Claim 23

Claim 23 is directed to a system for transporting and displaying sheet material in a 3-sided carton. The carton includes a bottom panel joined to a first side wall and a second

side wall. A sheet material, such as napkins, are stacked upon the bottom panel. Claim 23 further requires that the system include a removable outer protective wrap that is configured to encase and surround the carton.

In the Office Action, claim 23 was rejected under 35 U.S.C. Section 103 over Haupt in view of Cross, Lane and Rockefeller. In the Office Action, Rockefeller was cited as teaching a protective covering 34.

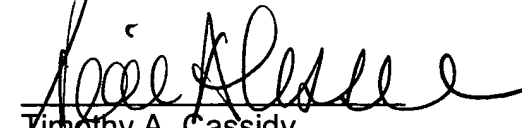
Rockefeller is directed to a moisture-proof container for containing moist sheets. The moisture-proof container includes a rectangular shallow box having a hinged top cover. The top opening of the box or tray is closed by a flexible sheet 34 of moisture impervious material, such as polyvinyl chloride cemented around its interface with a lip 14.

As opposed to claim 23, Rockefeller fails to disclose or suggest a removable outer protective wrap that encases and surrounds a 3-sided carton. Instead, Rockefeller merely discloses a removable flexible sheet that covers the top of an 8-sided box or tray. Thus, even if Rockefeller were combined with the other cited references, the combined references would still fail to render obvious the system defined in claim 23. As such, Applicant respectfully submits that claim 23 is also in condition for allowance.

In summary, it is believed that the claims as currently amended patentably define over the prior art of record. Favorable reconsideration and a notice of allowance are respectfully requested. Should any issues remain after consideration of this amendment, however, then Examiner Tran is invited and encouraged to telephone the undersigned at his convenience.

3/20/03
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APPENDIX A

ABSTRACT

[A sheet dispenser and a method of making a sheet dispenser is disclosed.] A carton may be adapted for storing and displaying stacked sheet materials, such as napkins, paper towels, facial tissues, and other absorbent products that may be used in home or a commercial setting. A carton or napkin holder may comprise a one-piece blank which is adapted to be folded, resulting in a carton having a bottom panel, a first side wall, and a second side wall. The side walls may be secured in place by fixing them to the bottom panel.

APPENDIX B

1. A carton adapted for storing and displaying stacked sheet material, the carton comprising a one-piece blank adapted to be folded in a manner resulting in a carton having

(a) a bottom panel with a first edge and a second edge,

(b) a first side wall and a second side wall, the bottom panel being joined to the first side wall along the first edge, the bottom panel being joined to the second side

wall along the second edge, the first side wall comprising a first outer side wall and a first inner side wall, the first outer side wall being secured to the first inner side wall; [and]

(c) a first flap extending from the first inner side wall over at least a portion of the bottom panel [and adapted to be], the first flap being secured to the bottom panel; and

(d) a first arch located on the first inner side wall, the first arch comprising a perforation line.

2. The carton of claim 1 in which a second flap extends from the second side wall over at least a portion of the bottom panel, the second flap being [adapted to be] secured to the bottom panel.

4. The carton of claim [3] 1 in which the first flap is secured to the bottom panel [said space is occupied] by an adhesive.

5. The carton of claim 1 in which at least one tab is provided near the junction of the first flap with the first inner side wall [wall].

8. The carton of claim 1 in which the carton selectively comprises [is capable of assuming]:

(i) a relaxed position in which at least one of the first and second side walls are canted towards each other, and

(ii) a tensioned position in which sheet material is positioned between the first and second side walls is held in place in part by pressure applied from the first or second side wall.

10. A carton adapted for storing and displaying stacked sheet material, the carton comprising a one-piece blank adapted to be folded in a manner resulting in a carton having

(a) a bottom panel with a first edge and a second edge,

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Q4
(b) a first side wall and a second side wall, the bottom panel being joined to the first side wall along the first edge, and the bottom panel being joined to the second side wall along the second edge, the first side wall comprising a first outer side wall and a first inner side wall, the second side wall comprising a second outer side wall and a second inner side wall; and

(c) a first flap and a second flap extending from the first inner side wall and second inner side wall respectively, the first and second flaps [being configured for] extending from each respective side wall and over [and being affixed to] the bottom panel, the first and second flaps being affixed to the bottom panel, wherein the first and second side walls are erected such that the first outer side wall is adjacent to the first inner side wall and the second outer side wall is adjacent to the second inner side wall.

Sub B1
12. The carton of claim 11 in which the [first and second tabs assist in providing a] carton selectively comprises [that is capable of assuming]:

(i) a relaxed position in which at least one of the first and second side walls are canted towards each other, and

(ii) a tensioned position in which sheet material is positioned between the first and second side walls, said sheet material being held in place in part by pressure from the first or second side wall upon the sheet material.

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19. The carton of claim [18] 10 in which the first outer side wall is [configured to be] secured to the first inner side wall, and the second outer side wall is [configured to be] secured to the second inner side wall.

Sub B1
Q7
21. A sheet material dispenser, comprising:

(a) a bottom panel having a first edge and a second edge,

(b) a first side wall and a second side wall, the bottom panel being joined to the first side wall at the first edge and the second side wall at the second edge, the first side wall comprising a first outer side wall and a first inner side wall, the second side wall comprising a second outer side wall and a second inner side wall; [and]

(c) a first flap and a second flap extending from the first inner side wall and second inner side wall respectively, the first and second flaps extending from each respective side wall and over the bottom panel, the first and second flaps being affixed to the bottom panel, wherein the first and second side walls are erected such that the first outer side wall

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is adjacent to the first inner side wall and the second outer side wall is adjacent to the second inner side wall; and

(d) [(c)] first and second tabs positioned along the first and second edges of the bottom panel, respectively, the tabs being adapted to assist in maintaining erect the first and second side walls, thereby facilitating containment of stacked sheet material for transport or display.

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23. A system for transporting and displaying sheet material in a three-sided carton, the system comprising:

(a) a bottom panel having a first edge and a second edge,

(b) a first side wall and a second side wall, the bottom panel being joined to the first side wall at the first edge and the second side wall at the second edge, the first and second side walls being held generally erect;

(c) sheet material stacked upon the bottom panel, said sheet material being positioned between the first side wall and the second side wall; and

(d) a removable outer protective wrap [covering] configured to encase and surround the carton.

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30. The system of claim 23 in which the carton selectively comprises [is capable of assuming]:

(i) a relaxed position in which at least one of the first and second side walls are canted towards each other, and

(ii) a tensioned position in which sheet material is positioned between the first and second side walls, said sheet material being held in place in part by pressure from the first or second side wall upon the sheet material.